



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues in relation to the fourth periodic report of Suriname\*

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the Committee's previous concluding observations<sup>1</sup> and the information provided by the State party,<sup>2</sup> please provide information on measures taken to operationalize and empower the Constitutional Court, established in 2019, to review the conformity of legislative acts with international human rights treaties. Please provide information on any cases in which the Covenant has been invoked by domestic courts, and on training conducted with a view to raising awareness of the Covenant among judges, lawyers and prosecutors. Following the elimination of the death penalty from the Penal Code and the Military Penal Code, please provide further information on measures taken to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

2. With reference to the Committee's previous concluding observations<sup>3</sup> and the information provided by the State party,<sup>4</sup> please provide information on measures taken to establish and operationalize a national human rights institution that is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please further clarify whether civil society organizations have been effectively consulted and actively engaged in the process of establishing such an institution. Further to the Committee's previous concluding observations,<sup>5</sup> please provide information on measures taken to establish a specific procedure for ensuring full compliance with the Views adopted by the Committee under the Optional Protocol to the Covenant.

#### Anti-corruption measures (arts. 2 and 25)

3. Please provide information on the implementation of the Anti-Corruption Act, adopted in 2017. Please clarify whether the anti-corruption commission to be established under the Anti-Corruption Act is currently operational, and provide information on measures taken to ensure its independence and effectiveness. Please provide statistics on the number of investigations, prosecutions, convictions and other disciplinary measures under the State party's anti-corruption legislation, including the Anti-Corruption Act, during the reporting period, and detailed information on the outcomes of cases involving corruption by high-level politicians, public officials, judges, prosecutors and law enforcement officials.

\* Adopted by the Committee at its 138th session (26 June–26 July 2023).

<sup>1</sup> [CCPR/C/SUR/CO/3](#), para. 6.

<sup>2</sup> [CCPR/C/SUR/4](#), para. 27.

<sup>3</sup> [CCPR/C/SUR/CO/3](#), para. 10.

<sup>4</sup> [CCPR/C/SUR/4](#), paras. 31–33.

<sup>5</sup> [CCPR/C/SUR/CO/3](#), para. 8.



**State of emergency (art. 4)**

4. With reference to the Committee's previous concluding observations<sup>6</sup> and the information provided by the State party,<sup>7</sup> please clarify the exceptional situations under which a state of emergency can be declared. Please provide information on the Civil Emergency Execution Act, adopted in August 2020, including whether this law specifies the rights that may not be restricted or suspended under any circumstances, as required under article 4 (2) of the Covenant.

**Fight against impunity for past human rights violations (arts. 2, 6, 7 and 14)**

5. With reference to the Committee's previous concluding observations<sup>8</sup> and the information provided by the State party,<sup>9</sup> please provide more detailed and updated information on measures taken to repeal the Amnesty Act and to ensure that perpetrators of human rights violations are brought to justice. In this regard, please provide information on measures taken to ensure that those responsible for the extrajudicial execution of 15 political opponents in December 1982, the Moiwana massacre of 1986 and other grave human rights violations committed during the de facto military regime are prosecuted and punished, and that the victims' families receive adequate reparations. Please explain measures taken to ensure effective protection of witnesses and investigate allegations of witness intimidation.

**Non-discrimination (arts. 2, 19, 20 and 26)**

6. Please report on any plans to adopt a comprehensive anti-discrimination law that provides full and effective protection from all forms of discrimination, including discrimination on the grounds of sexual orientation, gender identity and disability, including measures to ensure access to effective remedies. Please describe all measures taken to combat hate crimes and hate speech, including online hate speech. Please provide statistical data on complaints of discrimination and hate crimes brought before the national courts and any other complaints bodies during the reporting period, disaggregated by the grounds of discrimination, and information on prosecutions, convictions and reparation provided to victims.

7. Please report on measures taken to eliminate discriminatory attitudes towards lesbian, gay, bisexual and transgender persons, and to ensure that victims of acts of discrimination, harassment or violence are able to report them without fear of reprisal. Please respond to reports that lesbian, gay, bisexual and transgender persons, particularly transgender sex workers, are subjected to arbitrary arrest, harassment, and beatings by security forces, and that female transgender sex workers have been placed in male detention facilities. Please report on plans to amend or introduce legislation recognizing the right of transgender persons to legally change their identity, with reference to the decision by the High Court of Justice in January 2022.

**Gender equality (arts. 3 and 26)**

8. With reference to the Committee's previous concluding observations<sup>10</sup> and the information provided by the State party,<sup>11</sup> please provide information on the status of the draft law on the equal treatment of women and men, the draft law on equality in labour and the planned revision of the Personnel Act of 1962 to repeal or amend provisions that discriminate on the basis of gender. With reference to the Committee's previous concluding observations,<sup>12</sup> please provide information on measures taken to establish effective national programmes and strategies to address the lack of public awareness of women's rights and gender stereotypes concerning the roles and responsibilities of women and men in the family

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<sup>6</sup> Ibid., paras. 17 and 18.

<sup>7</sup> CCPR/C/SUR/4, paras. 55–57.

<sup>8</sup> CCPR/C/SUR/CO/3, paras. 21 and 22.

<sup>9</sup> CCPR/C/SUR/4, paras. 30, 59 and 60.

<sup>10</sup> CCPR/C/SUR/CO/3, paras. 11–14.

<sup>11</sup> CCPR/C/SUR/4, paras. 36 and 37.

<sup>12</sup> CCPR/C/SUR/CO/3, para. 14.

and in society. Further to the Committee previous concluding observations<sup>13</sup> and the information provided by the State party,<sup>14</sup> please provide an update on the status of the proposed amendment to article 82 of the Civil Code to ensure a uniform minimum age of marriage for girls and boys and bring the minimum age for marriage into line with international standards.

#### **Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)**

9. In view of the Committee's previous concluding observations<sup>15</sup> and the information provided by the State party,<sup>16</sup> please provide: (a) statistics on the number of complaints, investigations, prosecutions and convictions for all forms of violence against women, including domestic violence and sexual harassment, during the reporting period, and remedies provided to victims; and (b) information on steps taken to encourage the reporting of cases of violence against women and to improve access to shelters and assistance for victims. Please provide additional information on the content and status of the draft law on violence and sexual intimidation in the workplace and the national policy plan on domestic violence.

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

10. With reference to the Committee's previous concluding observations<sup>17</sup> and the information provided by the State party,<sup>18</sup> please provide information on any legislative measures taken to ensure that acts covered by the internationally accepted definition of torture, as provided under article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are fully criminalized. Please comment on reports of ill-treatment by police and prison officers, particularly during arrest, in places of deprivation of liberty, and in the context of enforcing curfews as part of the State party's response to the coronavirus disease (COVID-19) pandemic. Please provide information on the number of complaints of torture or ill-treatment received during the reporting period, the outcomes of any investigations undertaken, the sanctions imposed on those responsible, the remedies provided to victims and whether an independent complaints authority to deal with such complaints has been established.

#### **Liberty and security of the person (art. 9)**

11. With reference to the Committee's previous concluding observations<sup>19</sup> please provide information on the safeguards in place to ensure prompt access to legal counsel for all persons detained in criminal cases, especially in cases of drug trafficking and terrorism. With reference to the Committee's previous concluding observations<sup>20</sup> and the information provided by the State party,<sup>21</sup> please indicate measures taken or envisaged to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. Please provide information on effective access to judicial review of detention, including statistical information on the number of complaints of unlawful detention, and investigations undertaken and their outcomes.

12. Please provide information on: (a) the number of pretrial detainees, including those held in police stations, and the percentage that they represent of the total number of persons deprived of their liberty; (b) the average and maximum duration of pretrial detention; and (c) the availability of and effective recourse to alternatives to pretrial detention. In view of the Committee's previous concluding observations<sup>22</sup> and the information provided by the State

<sup>13</sup> Ibid., para. 16.

<sup>14</sup> CCPR/C/SUR/4, paras. 51–53.

<sup>15</sup> CCPR/C/SUR/CO/3, paras. 25 and 26.

<sup>16</sup> CCPR/C/SUR/4, paras. 64–67.

<sup>17</sup> CCPR/C/SUR/CO/3, paras. 23 and 24.

<sup>18</sup> CCPR/C/SUR/4, paras. 61–63.

<sup>19</sup> CCPR/C/SUR/CO/3, paras. 33 and 34.

<sup>20</sup> Ibid., para. 32.

<sup>21</sup> CCPR/C/SUR/4, paras. 76 and 77.

<sup>22</sup> CCPR/C/SUR/CO/3, para. 38.

party,<sup>23</sup> please provide information on measures taken to revise the State party's laws and practices in the field of mental health in order to avoid arbitrary detention of persons with intellectual disabilities and persons with psychosocial disabilities, in accordance with article 9 of the Covenant and the Committee's general comment No. 35 (2014) on liberty and security of person. Please provide information on measures taken to ensure that the juvenile justice system takes into consideration the specific needs of children in conflict with the law, and ensures that detention of children is used only as a measure of last resort, for the shortest appropriate period of time and subject to regular review with a view to their release.

#### **Treatment of persons deprived of their liberty (art. 10)**

13. With reference to the Committee's previous concluding observations<sup>24</sup> and the information provided by the State party,<sup>25</sup> please provide updated information on measures taken to ensure that prison and detention conditions are fully in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular with regard to issues of understaffing and high prisoner-to-guard ratios in prisons, and overcrowding and inadequate lighting, ventilation and sanitation in temporary holding cells operated by the police. Please also provide updated information on measures taken to ensure that individuals awaiting trial are held separately from convicted prisoners, and that juveniles are housed in separate facilities from adults.

14. Please report on measures taken to ensure the provision of adequate health-care services to detainees and prisoners, including measures to protect them from contagious diseases, particularly in the context of the COVID-19 pandemic. Please indicate any steps taken or envisaged to establish an independent system of monitoring of places of deprivation of liberty, including through regular and unannounced visits.

#### **Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)**

15. With reference to the Committee's previous concluding observations<sup>26</sup> and the information provided by the State party,<sup>27</sup> please report on measures taken to prevent and combat trafficking in persons, including children, for the purposes of commercial sexual exploitation and labour exploitation. Please report on measures taken: (a) to improve the identification of victims; (b) to ensure effective prosecution and convictions for trafficking and smuggling, including with regard to complicit public officials; (c) to establish an efficient system of assistance and support for victims, including specialized and adequately funded shelters; and (d) to facilitate victims' access to effective remedies, including adequate compensation. Please include statistics in relation to each element above for each year of the reporting period.

#### **Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12, 13 and 24)**

16. With reference to the information provided by the State party,<sup>28</sup> please provide information on measures taken: (a) to establish protection-sensitive entry systems and reception arrangements, which allow for the identification and referral of persons with specific needs, including victims of trafficking; (b) to guarantee effective access to asylum procedures for all who intend to seek asylum in the State party, with full respect for due process, including the right to appeal; (c) to ensure that immigration detention is only used as a measure of last resort and for the shortest possible period, and is reasonable, necessary and proportionate in the light of the circumstances; and (d) to strengthen the legislative framework and establish formal procedures for identifying persons with international protection needs and for determining refugee status. Please provide statistical information for the reporting period, disaggregated by sex, age, race, ethnicity and nationality, on the number

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<sup>23</sup> CCPR/C/SUR/4, paras. 80–83.

<sup>24</sup> CCPR/C/SUR/CO/3, para. 36.

<sup>25</sup> CCPR/C/SUR/4, para. 79.

<sup>26</sup> CCPR/C/SUR/CO/3, para. 30.

<sup>27</sup> CCPR/C/SUR/4, paras. 71–75.

<sup>28</sup> Ibid., paras. 118–121.

of migrants and asylum-seekers in detention, and on the average and maximum duration of detention.

17. Please report on measures taken to prevent and reduce statelessness within the State party, and whether there are plans to establish a determination procedure specifically for the identification of stateless persons and the regularization of their status. With reference to the Committee's previous concluding observations<sup>29</sup> and the information provided by the State party,<sup>30</sup> please include information on measures taken to ensure that all children born on the State party's territory to irregular migrant parents are registered and receive an official birth certificate, including the establishment of birth registration procedures that are accessible, affordable and easily comprehensible to all persons, especially those who are unable to speak the official language.

#### **Access to justice, independence of the judiciary and right to a fair trial (art. 14)**

18. With reference to the Committee's previous concluding observations<sup>31</sup> and the information provided by the State party,<sup>32</sup> please provide information on measures taken to provide the judicial system with adequate human and financial resources to ensure that it can operate effectively and address the significant backlog of cases in both the criminal and the civil courts, including the recruitment of a sufficient number of judges and prosecutors. Please include information on measures taken to strengthen the legal aid system and to address language barriers, and on any specific measures taken to improve access to justice, including for tribal peoples and Indigenous Peoples.

19. With reference to the Committee's previous concluding observations<sup>33</sup> and the information provided by the State party,<sup>34</sup> please report on measures taken to ensure the independence of the judiciary, including information on the procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges, and measures to ensure the payment of adequate salaries for judges. Please include more detailed information on how the Code of Conduct for Judges and the complaints procedure incorporate international human rights standards, and on the number and type of complaints relating to judicial conduct received under the complaints procedure and their outcomes. With reference to the Committee's previous concluding observations,<sup>35</sup> please clarify the substantive measures taken to address the lack of clarity on the rules governing access to counsel, including communication between defence lawyers and inmates and the possibility of undue restrictions on such communication.

#### **Freedom of expression (arts. 19 and 20)**

20. With reference to the Committee's previous concluding observations<sup>36</sup> and the information provided by the State party,<sup>37</sup> please comment on reports that journalists and human rights defenders continue to face harassment and intimidation, and provide information on any investigations into such acts and sanctions handed down to perpetrators. With reference to the Committee's previous concluding observations,<sup>38</sup> please provide information on any measures taken to decriminalize defamation and ensure that penalties exclude deprivation of liberty. Please also provide information on the status of the private members' bill submitted to Parliament in March 2022 to amend the Penal Code in order to bring it into line with the provisions of article 19 of the Covenant. Please report on measures taken to ensure an enabling environment for independent journalists and media outlets, including information on the content and status of the proposed freedom of information act.

<sup>29</sup> CCPR/C/SUR/CO/3, para. 44.

<sup>30</sup> CCPR/C/SUR/4, paras. 92 and 93.

<sup>31</sup> CCPR/C/SUR/CO/3, para. 40.

<sup>32</sup> CCPR/C/SUR/4, paras. 84, 85 and 88–90.

<sup>33</sup> CCPR/C/SUR/CO/3, para. 40.

<sup>34</sup> CCPR/C/SUR/4, paras. 86 and 87.

<sup>35</sup> CCPR/C/SUR/CO/3, paras. 33 and 34.

<sup>36</sup> Ibid., para. 42.

<sup>37</sup> CCPR/C/SUR/4, para. 91.

<sup>38</sup> CCPR/C/SUR/CO/3, para. 42.

**Peaceful assembly (art. 21)**

21. With reference to the Committee's general comment No. 37 (2020) on the right of peaceful assembly, which sets out the State party's obligation to facilitate peaceful assemblies, please comment on the provisions of article 49 of the Police Penal Code (G.B. 1915, no. 77), which requires prior authorization for all public assemblies and provides for criminal penalties, including imprisonment, for unauthorized assemblies. In relation to the protest that took place in Paramaribo on 17 February 2023, please provide information on the detention of and any judicial proceedings brought against protesters and protest organizers, including details on the legal basis of any convictions. Please provide information on training provided to law enforcement officials on the policing of assemblies in accordance with international standards, including on the use of force, such as the Committee's general comment No. 37 (2020) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

**Rights of the child (arts. 23, 24 and 26)**

22. With reference to the Committee's previous concluding observations<sup>39</sup> and the information provided by the State party,<sup>40</sup> please provide information on measures taken to abolish corporal punishment, in law and in practice, including in the family, day-care and afterschool care facilities, schools, alternative care settings, residential care and penal institutions. Please report on measures taken to prevent and address child abuse, including sexual abuse, and to ensure that acts of child abuse are effectively investigated, that the perpetrators are prosecuted and sanctioned and that child victims have access to adequate remedies, including specialized care.

**Participation in public affairs (arts. 25 and 26)**

23. Please provide information on measures taken to ensure the effective representation of tribal peoples and Indigenous Peoples in political decision-making positions. With reference to the Constitutional Court's ruling of 5 August 2022, please provide information on measures taken or planned by the State party to ensure that the distribution of seats for national elections is non-discriminatory and proportional to population distribution, in the light of the Committee's general comment No. 25 (1996) (para. 21). Please provide information on steps taken to ensure the effective exercise by Surinamese nationals residing abroad of the right to vote in national elections.

**Rights of minorities (art. 27)**

24. With reference to the Committee's previous concluding observations<sup>41</sup> and the information provided by the State party,<sup>42</sup> please provide an update on measures taken to ensure effective and meaningful consultation with tribal peoples and Indigenous Peoples in decision-making in all areas that have an impact on their rights, including legislative measures such as the draft law on the collective rights of Indigenous Peoples and tribal peoples. Please provide information on measures taken to ensure that the draft law on land conversion respects and protects the collective land rights of indigenous Peoples and tribal peoples. Please comment on reports that the issuance of land titles and permits for the extraction of natural resources is still often undertaken without the free, prior and informed consent of Indigenous Peoples affected. Please provide information regarding action taken to fully implement the judgments of the Inter-American Court of Human Rights regarding the

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<sup>39</sup> Ibid., para. 46.

<sup>40</sup> CCPR/C/SUR/4, para. 94.

<sup>41</sup> CCPR/C/SUR/CO/3, paras. 47 and 48.

<sup>42</sup> CCPR/C/SUR/4, para. 96.

rights of Indigenous Peoples, in particular in *Moiwana Community v. Suriname* (2005),<sup>43</sup> *Saramaka People v. Suriname* (2007)<sup>44</sup> and *Kaliña and Lokono Peoples v. Suriname* (2015).<sup>45</sup>

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<sup>43</sup> Inter-American Court of Human Rights, *Moiwana Village v. Suriname*, Judgment (Preliminary Objections, Merits, Reparations and Costs), Series C, No. 124, 15 June 2005.

<sup>44</sup> Inter-American Court of Human Rights, *Saramaka People v. Suriname*, Judgment (Preliminary Objections, Merits, Reparations and Costs), Series C, No. 172, 28 November 2007.

<sup>45</sup> Inter-American Court of Human Rights, *Kaliña and Lokono Peoples v. Suriname*, Judgment (Merits, Reparations and Costs), Series C, No. 309, 25 November 2015.